

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
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In re: LTL MANAGEMENT, LLC, <sup>1</sup> Debtor.	Chapter 11 Case No.: 23-12825 (MBK) Honorable Michael B. Kaplan

<sup>1</sup> The last four digits of the Debtor's taxpayer identification number are 6622. The Debtor's address is 501 George Street, New Brunswick, New Jersey 08933.

**RESPONSE OF OFFICIAL COMMITTEE OF TALC CLAIMANTS (“TCC”) TO AMENDED SUPPLEMENTAL DECLARATION OF RANDI S. ELLIS [DKT. No. 415]**

The Official Committee of Talc Claimants (the “TCC”), by and through its above-captioned proposed counsel, hereby submits the following response to the Amended Supplemental Declaration of Randi S. Ellis, filed at Docket 415 at 3:15 on May 4, 2023:

1. At the close of the hearings on May 3, 2023, this Court reserved decision with regard to the Debtor’s Motion to Appoint Randi S. Ellis as future claims representative in this second LTL Chapter 11 case.
2. Prior to the Court’s ruling, counsel for Ms. Ellis indicated that Ms. Ellis would be filing a short supplemental declaration, to clarify that the statements in paragraph 7 of her prior declaration applied not only to LTL, but also to Johnson & Johnson. Instead, counsel for Ms. Ellis submitted a thirteen paragraph “Supplemental Amended Declaration”.
3. Suffice it to say, in the words of this Court, Ms. Ellis’ Amended Supplemental Declaration raises more questions than it answers.
4. Among those questions are:
  - a. If Ms. Ellis had never agreed to sign a Declaration in support of the Debtor’s Second Chapter 11 filing, why on March 23, 2023 at 8:51 a.m. was Ms. Ellis sending to counsel for Johnson & Johnson (“J&J”) non-substantive edits/comments to the proposed Declaration with her response that she could not sign the Declaration without those matters being addressed;
  - b. If Ms. Ellis had never entered into an agreement with regard to support or expressed support to J&J for a second Chapter 11 filing, why was Ms. Ellis engaged as early as March 9, 2023 and regularly thereafter in zoom meetings

with counsel for J&J, without the involvement of her counsel, counsel for LTL or the mediators, and without once informing the TCC of J&J's plans (and inquiring as to the TCC's views as to the matter as would be expected of a true independent FCR) or so informing the Court;

- c. If Ms. Ellis had never entered into any agreements or expressed support with regard to the filing of a second Chapter 11 case or a Plan structure with regard thereto, why were J&J and LTL soliciting plan support agreements which not only represented that Ms. Ellis had agreed to support the second filing in the Plan, but also set forth that the distribution to future claimants would be capped at one third of the Plan funding;
- d. If Ms. Ellis had never agreed to support a second Chapter 11 filing, to support a plan structure in such a filing, or to serve as claims administrator, who provided Daniel Prieto, counsel to LTL, with the false information that was conveyed to the Board of Directors of LTL on March 28, 2023.

5. These are only a portion of the many questions raised by the bizarre machinations which occurred while LTL was still a Debtor in Possession in its first Chapter 11 case and Ms. Ellis was serving as a fiduciary in such case. Notwithstanding the belated, "after-the-fact" corrections that Ms. Ellis offers in her Supplemental Declaration, her testimony remains irreconcilable with her own email correspondence with J&J's counsel, LTL's counsel presentation to LTL's Board of Directors and LTL's verified complaint for the injunction and stay plaintiff lawsuits against non-debtors.

6. Attached hereto are communications between Ms. Ellis and counsel for J&J from March 8, 2023 to April 1, 2023. These documents were produced by LTL and Ms. Ellis.

7. Based upon the pleadings filed by the TCC and other parties and the reasons set forth on the record before this Court on May 3, 2023, the TCC respectfully submits that Ms. Ellis should not be appointed as FCR in this case.

Dated: May 5, 2023

Respectfully submitted,  
**GENOVA BURNS LLC**

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